

ARTICLE VI - BUSINESS ZONE REGULATIONS

SECTION 600. NEIGHBORHOOD BUSINESS ZONE (NB)

601. Background and Purposes

This zone is intended to provide local neighborhoods with conveniently located, controlled zones in which needed and desirable commercial sales and services, public and semi-public uses and other similar services can be offered in a manner which will not be detrimental to the surrounding residential area.

602. Permitted Principal Uses

The following internal uses shall be permitted subject to approval in accordance with Section 1020 provided in each case that prior to the establishment of a new use, or a different type of use, or occupancy by a new tenant, the Commission shall first determine that the proposed use shall be compatible with the character of the immediate neighborhood and shall principally serve the local neighborhood, but in no case shall a use be permitted which in the sole judgment of the Commission shall be detrimental to the surrounding residential neighborhood:

- a. Commercial sales and services
- b. Public and semi-public uses

603. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use and specifically approved by the Commission.
- c. Off-street parking and loading facilities in accordance with Section 900.

604. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Any permitted use involving the sale of prepared food whether intended for consumption on or off the premises.
- b. Protected Town Landmarks.
- c. Dwelling units located on the second floor of an existing building.

605. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	40
3. Minimum Lot Frontage	40
4. Minimum Lot Depth	100
5. Minimum Front Yard	10 (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2
9. Maximum Height in feet	28
10. Maximum Building Coverage	20%
11. Minimum Front Landscape Depth.	10
12. Maximum Developed Site Area	80%
13. Maximum Floor Area of each Dwelling Unit	1,000 sq. ft. (See Note 606 d.)

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. As stated above, but no parking shall be permitted in front of any building unless the setback from the street line is at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirement where setback of existing buildings is greater or less than minimum requirement.
- c. None, except as follows:
 - (1) If a side yard is provided, it must be at least 4 feet, except where access to parking space is provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access is provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access is assured.
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.
- d. As specified, except as follows:
 - (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;

- (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

606. Special Controls

- a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- b. All uses shall be subject to Site Plan approval in accordance with Section 1020.
- c. Display or storage of materials in accordance with Subsection 373.
- d. If more than two dwelling units, then at least 30% of the total number of units shall be limited to one bedroom. One off-street parking space per bedroom shall be required. The off-street parking space must be located within the Neighborhood Business Zone and not within the required buffer area or adjacent residential zone. The total number of dwelling units shall not exceed six dwelling units on any site.

SECTION 610. DESIGNED BUSINESS ONE ZONE (DB-1)

611. Background and Purposes

This zone is intended to establish sound transitional business zones between the Central Business District and the business and residential zones on the periphery of that center. Special measures have been established to protect and preserve the existing qualities and character of the area and to minimize traffic circulation, parking and related problems.

612. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. All uses permitted in the R-1/2 Zone.
- b. Public and semi-public uses.
- c. Business and professional offices each containing less than 3,000 square feet of gross floor area, except that medical offices shall be provided with parking spaces in accordance with Subsection 904 (l).

613. Permitted Accessory Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.

614. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Commercial sales and services.
- b. Protected Town Landmarks.
- c. Indoor recreation facilities.
- d. Clubs or lodges.
- e. Business and professional offices containing more than 3,000 square feet of gross floor area, except that medical offices shall be provided with parking spaces in accordance with Subsection 904 (l).
- f. Dwelling units located on upper floors.

615. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	60
3. Minimum Lot Frontage	60
4. Minimum Lot Depth	100
5. Minimum Front Yard	20 (See Note b)
6. Minimum Side Yard	4
7. Minimum Rear Yard	25 (See Note c)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	28
10. Maximum Building Coverage	Determined by FAR
11. Minimum Front Landscape Depth.	20
12. Maximum Developed Site Area	80%
13. Minimum Setback from Any Residential or DOR Zone	25
14a. Maximum Floor Area Ratios (for lots of 0.6 acres in size or more)	0.40 of the first 10,000 s.f. of lot area plus 0.20 of next 20,000 s.f. of lot area plus 0.10 of all lot area over 30,000 s.f.
14b. Maximum Building Coverage (for lots of less than 0.6 acres in size--For mixed-use and commercial projects on contiguous lots, coordinated development shall be treated as a single parcel for these properties).	25%

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line is at least 75 feet. On streets of less than 50 feet width the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings is greater or less than minimum requirement.

Where the lot is a corner lot, the front yard setback on a street which is not Boston Post Road may be reduced from twenty (20) feet to ten (10) feet by Special Permit.
- c. As specified above, except as follows:
 - (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone.
 - (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

- d. If more than 2 dwelling units, then at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required. The total number of dwelling units shall not exceed 6 dwelling units on any site of 20,000 square feet or less, and seven (7) dwelling units on any site greater than 20,000 square feet.

616. Special Controls

- a. Special provisions may be applied for the protection and preservation of existing structures and features subject to the requirements of Section 1000, as follows:
 - (1) An existing lot and/or structure which is non-conforming with respect to any of the requirements set forth hereafter, may be altered, added to, or rebuilt on the same site provided that such addition, alteration or reconstruction shall not increase the existing non-conforming status of the property and otherwise shall comply in all respects with these Regulations.
 - (2) In order to permit the reasonable use of land and existing structures within this district, the Commission may modify access drive standards and/or requirements for layout and construction of parking areas, including their location on the site, subject to determining that no traffic or public safety hazards shall result and that the purposes of this district shall be met.

These provisions shall apply exclusively to the use and development of existing structures within the district which do not exceed 3,000 square feet in gross floor area.

- b. No off-street parking areas shall be permitted between the street line and the front of the building.
- c. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- d. Display or storage of materials shall be in accordance with Subsection 373.
- e. All uses shall be subject to Site Plan Approval in accordance with Section 1020. The following additional requirements shall apply:
 - (1) A colored rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building;
 - (2) Elevation drawings for each side of the building;
 - (3) Color photographs of existing development a minimum distance of 200 feet to either side of the subject site;

- (4) Presentation of an architectural style which shall enhance and contribute to the historic and architectural character of the site and the surrounding area;
 - (5) Buildings designed to enhance and contribute to special design features of the area including the historic and public buildings and the natural environment.
- f. Accessory structures shall be allowed, subject to the area and bulk requirements set forth in section 406 for the residential zone that abuts the site, provided that the Commission finds that the accessory structures do not unreasonably impact abutting residential properties. The minimum yard adjacent to one level high parking garages shall be a minimum of three feet, provided that the Commission finds that the parking garage and turning area will be appropriately screened from, and not unreasonably impact, adjacent residential properties.

SECTION 620. DESIGNED BUSINESS TWO ZONE (DB-2)

621. Background and Purposes

This zone is intended to provide a suitable area for the establishment of business operations which require both internal and external use space and which are intended to primarily serve the needs of the general area. Special measures have been established to assure that traffic generation and circulation factors are adequately regulated to avoid significant intensification of existing problems or the creation of new ones. In addition, controls on the size and bulk of new structures have been established to assure that such new development is consistent with the prevailing character of this district and the surrounding residential areas.

Because of the unusually high number of basically small, legally non-conforming commercial sales and service businesses within the zone, special provisions are incorporated herein to enable the individual property owners to make further investments in their businesses with an assurance that current conditions may be continued.

622. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. All uses permitted in the R-1/2 Zone.
- b. Business and professional offices not exceeding 5,000 square feet of gross floor area, except that medical offices shall be provided with parking spaces in accordance with Subsection 904 (l).
- c. Public and semi-public uses.

623. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.
- d. Maintenance, continuance and replacement of commercial sales and service facilities legally existing as of the effective date of these Regulations. Any reconstruction or reestablishment shall be limited in all respects to the size, nature and intensity previously approved and existing on the site. Establishment of new commercial sales and service facilities shall only be permitted in accordance with Sections 624.a. and 624.b.

624. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Internal retail sales uses limited specifically to bulky products or goods such as furniture, carpeting and similar items generally requiring convenient or direct access to the customer's motor vehicle.
- b. Commercial sales and service generally requiring external storage or activity.
- c. Personal service businesses.
- d. Indoor recreation facilities.
- e. Clubs or lodges.
- f. Business and professional offices over 5,000 square feet of gross floor area, except that medical offices shall be provided with parking spaces in accordance with Subsection 904 (1).
- g. Protected Town Landmarks.
- h. Dwelling units located on second floor of existing buildings.
- i. Assisted Living Facility, Memory Care Facility or a combination thereof.

625. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	1/2 acre (21,780 sq.ft.)
2. Minimum Lot Width	80
3. Minimum Lot Frontage	80
4. Minimum Lot Depth	100
5. Minimum Front Yard	30 (See Note a)
6. Minimum Side Yard	15 (See Note b)
7. Minimum Rear Yard	25 (See Note c)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	28
10. Maximum Building Coverage	Determined by FAR
11. Minimum Front Landscape Depth	30
12. Maximum Developed Site Area	70%
13. Minimum Setback from Any Residential or DOR Zone	25
14. Maximum Floor Area Ratios	0.40 of first 10,000 s.f. of lot area plus 0.20 of all lot area over 10,000 s.f.
15. Maximum Floor Area of all Dwelling Units	1,000 sq. ft. (See Note d.)

Notes:

- a. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line is at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings is greater or less than minimum requirement.
- b. As specified above, except that at least 25 feet shall be provided where the side yard furnishes vehicular access to the rear, and except that the Commission, in approving a site plan, may permit a building to abut a side line where it finds such creates a better plan.

- c. As specified above, except as follows:
 - (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
 - (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.
- d. If more than 2 dwelling units, then at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required. The total number of dwelling units shall not exceed 6 dwelling units on any site.

626. Special Controls

- a. The maximum size of any single structure permitted by these Regulations in this zone shall not exceed 8,000 square feet of gross floor area, except that an additional 2,000 square feet of gross floor area may be provided where it is specifically allocated to a permitted retail use within this zone.
- b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- c. Display or storage of materials in accordance with Subsection 373.
- d. All uses shall be subject to Site Plan approval in accordance with Section 1020. The following additional requirements shall apply:
 - (1) A colored rendering of the proposed structure drawn from a perspective representing a view from street level and illustrating at least two facades of the building;
 - (2) Samples of the finishing materials to be used on the exterior.

627. Assisted Living Facility (ALF) and Memory Care Facility (MCF)

- a. An ALF, MCF or combination thereof shall include common rooms for use by the occupants such as living rooms, laundry, entertainment facilities, dining areas, beauty parlor, library, and kitchen facilities. An ALF MCF or combination thereof shall also include administrative offices, service facilities, and areas for wellness, periodic medical examination, therapy, or similar uses.
- b. All Area and Bulk Requirements and Special Controls in Sections 625 and 626 shall control.
- c. The gross floor area of a private residential unit in an ALF, MCF or combination thereof shall be not less than 320 square feet.
- d. Each ALF, MCF or combination thereof shall be connected to public sanitary sewers and served by public water supply.

- e. At least 300 square feet of usable open space shall be provided for each private residential unit. The Planning and Zoning Commission may require that a conservation easement be conveyed for this required open space. Some or all of the open space may be located in an adjoining zone at the discretion of the Planning and Zoning Commission.
- f. To accommodate the parking needs of the residents, visitors, and staff providing services to the occupants, the following minimum off-street parking shall be provided: one space for each employee per maximum shift; plus 0.33 spaces for each ALF unit and 0.25 spaces for each MCF unit.
- g. Off-street parking design standards of Sections 226 and 900 shall be applicable.
- h. At least one off-street unloading facility shall be provided per Sections 909.1c and 909.2a-g.

SECTION 630. DESIGNED COMMERCIAL ZONE (DC)

631. Background and Purposes

This zone is intended to provide for secondary level concentrations of retail uses which are deemed to be necessary to provide for the needs of the community. Within this zone, there is less emphasis on pedestrian circulation than in the Central Business District. Emphasis is on quality of design, compatible land use patterns, and intensity of development which is compatible with surrounding residential districts.

632. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services.
- b. Business and professional offices, where such uses shall be located on the upper floor of a structure.
- c. Public and semi-public buildings.

633. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.
- d. The outdoor storage and sale of seasonal merchandise on a temporary basis.

634. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Protected Town Landmarks.
- b. Restaurants, provided that such uses contain at least 800 square feet of indoor floor space devoted to customer seating area.
- c. Any permitted use involving the sale of prepared foods whether intended for consumption on or off the premises.
- d. Dwelling units located on the second floor of an existing building.
- e. Certain Business and Professional Offices on the first floor provided they are limited to those service types of uses such as real estate, insurance, and securities brokerages; leasing; mortgage banking; banking; travel services and the like, and further provided that the parking ratio for those uses shall be equivalent to that for Commercial Sales and Services.
- f. Indoor recreation facilities.

635. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

- a. Food Service, Convenience

636. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	1 acre (43,560 sq. ft.)
2. Minimum Lot Width	150
3. Minimum Lot Frontage	150
4. Minimum Lot Depth	150
5. Minimum Front Yard	None (See Note a)
6. Minimum Side Yard	None (See Note b)
7. Minimum Rear Yard	50
8. Maximum Height in Stories	2
9. Maximum Height in Feet	28
10. Maximum Building Coverage	20%
11. Minimum Front Landscape Depth.	6 unless structure is located on street line
12. Maximum Developed Site Area	80%
13. Maximum Floor Area of each Dwelling Unit	1,000 sq. ft. (See Note 636 e).

Notes:

- a. None, except where the front of the property abuts or is adjacent to a residential district, the front yard shall be equal to the Residential Zone front yard requirements. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings is greater or less than minimum requirement.
- b. None, except as follows:
 - (1) If a side yard is provided, it shall be at least four feet, except where access to parking space is provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access is provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;

- (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.

637. Special Controls

- a. Parking areas may extend to within 10 feet of a rear lot line except where it abuts a Residential Zone, in which case the rear yard requirement shall apply.
- b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- c. All uses shall be subject to Site Plan Approval in accordance with Section 1020.
- d. Display or storage of materials in accordance with Subsection 373.
- e. If more than two dwelling units, then at least 30% of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required. The off-street parking space must be located within the Designed Commercial Zone and not within the required buffer area or adjacent residential zone. The total number of dwelling units shall not exceed six dwelling units on any site.

SECTION 650. CENTRAL BUSINESS DISTRICT ZONE (CBD)

651. Background and Purposes

The Central Business District Zone is the Town's primary business area and is intended to be the focal point for retail and business and professional office activities with apartments encouraged on upper floors. These Regulations are designed to encourage the orderly development of this district in a manner which encourages the preservation of the existing architectural character of this zone and, at the same time, to provide the opportunity for creative and flexible architectural design. The sound inter-relationship of buildings to plazas and open spaces, provisions for proper pedestrian and vehicular circulation and consolidated central parking areas, and encouragement of a mix of housing and business uses which are necessary and desirable to serve the needs of the residential community are also specifically addressed in these Regulations. These Regulations are designed for Commercial Sales and Service uses (except for Financial Service uses) on the first floor areas and to provide sufficient spaces for Business and Professional Offices and encourage Dwelling Units in second floor spaces. The intent is to strengthen the viability of housing and retail business in the Central Business District and to foster pedestrian activity as fully as is practical.

652. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services, except that Financial Service uses shall be located on upper floors.
- b. Business and professional offices, provided such uses are located on upper floors.
- c. Public and semi-public uses.
- d. Railroad stations and mass-transit facilities.
- e. Dwelling units located on upper floors.

653. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.

654. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Protected Town Landmarks.
- b. Restaurants.
- c. The sale of prepared food such as candy or ice cream for consumption on or off the premises.
- d. Financial Service and/or business and professional offices on the first floor, provided that the Commission makes a finding that the retail/commercial sales and service use (other than Financial Service uses) of such space is impractical, undesirable, and/or inconsistent with the standards under Subsection 1005h.
- e. Clubs and lodges.

655. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

- a. Food Service, Convenience.

656. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	40
3. Minimum Lot Frontage	40
4. Minimum Lot Depth	100
5. Minimum Front Yard	None (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2 (See Note e)
9. Maximum Height in Feet	28
10. Maximum Building Coverage	None
11. Minimum Front Landscape Depth.	None
12. Maximum Developed Site Area	None
13. Maximum Floor Area of all Dwelling Units	1,000 sq. ft. (See Note e).

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. No front yard required, except that within 100 feet of a Residential Zone, the setback shall be at least one-half that required in that Residential Zone. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirement.
- c. None, except as follows:
- (1) If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.
- d. As specified above, except as follows:

- (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
 - (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.
- e. Two stories and 28 feet, except as follows: The Commission may specifically permit height to be increased to not more than three stories and 35 feet, provided that:
 - (1) An area of open space on the same lot, or on a separate lot within the same site plan, shall be reserved from building coverage and shall be developed and maintained by the owner as a plaza or mall space open to the general public, provided that the Commission may approve as plaza or mall space open space areas covered by an upper floor connecting two portions of the same structure, or by awnings, eaves, or similar appurtenances.
 - (2) The Commission shall first review and approve the Site Plan for the mall or plaza to determine that its location, layout, dimensions, planting, traffic, lighting, signs, drainage, utilities, and other features shall be in harmony with the convenient, orderly and attractive development of the business district; and
 - (3) A 2.5 to 1 ratio shall be utilized in determining gross floor area to be permitted for each square foot of open space developed as a plaza or mall.
- f. If more than 2 dwelling units, than at least 30 percent of the total number of units shall be limited to one bedroom. One additional off-street parking space per bedroom shall be required.

657. Special Controls

- a. This zone is subject to the special requirements for Dedication of Public Parking Areas. (See Subsection 1057.)
- b. The requirements for parking may be satisfied by donation of land to, and acceptance by, the Town for the municipal parking program subject to the requirements of Subsection 903.2.
- c. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- d. All uses shall be subject to Site Plan Approval in accordance with Section 1020.

SECTION 660. SERVICE BUSINESS ZONE (SB)

661. Background and Purposes

This zone is intended to provide for certain types of business uses which serve a community need or convenience and are automobile-oriented or require outdoor sales or storage areas. It is the intention of these Regulations to protect and preserve existing SB districts for the continued provision of such services in a manner which will not be detrimental to the surrounding residential areas. The retention and/or creation of dwelling units is permitted in an effort to encourage affordable residential units. This zone may allow Commercial Sales and Service uses via Special Permit, if certain requirements and standards are met. Development and redevelopment on lots less than 10,000 square feet in area, that existed on January 1, 2010, are allowed in accordance with special controls and design standards.

662. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services generally requiring external storage or activity.
- b. Public and semi-public uses generally requiring external storage or activity.
- c. Dwelling units located on the second floor of existing buildings not utilized for automotive services.

663. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs as permitted in Section 920.
- b. Off-street parking and loading in accordance with Section 900.
- c. The outdoor storage and sale of seasonal merchandise on a temporary basis.

664. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Protected Town Landmarks.
- b. Restaurants provided that at least 1,200 square feet of indoor space shall be devoted to customer tables and seating area.
- c. Veterinary hospitals, clinics and indoor kennels.
- d. Hotels and inns.
- e. Automotive services as defined in Section 210.
- f. Indoor recreation facilities.
- g. Dwelling units located on the first, or first and second floors of existing buildings not utilized for automotive services.
- h. Assisted Living Facility, Independent Living Facility or a combination thereof. See Section 667.
- i. Catering Business.
- j. Commercial Sales and Services uses which meet the requirements outlined in Section 667g.

665. Accessory Uses Requiring Special Permits

The following accessory uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000.

- a. Food Service, Convenience

666. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	100
3. Minimum Lot Frontage	100
4. Minimum Lot Depth	100
5. Minimum Front Yard	30 (See Note b)
6. Minimum Side Yard	None (See Note c)
7. Minimum Rear Yard	20 (See Note d)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	25
10. Maximum Building Coverage	20%
11. Minimum Front Landscape Depth.	6
12. Maximum Developed Site Area	80%

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line shall be at least 65 feet. On streets of less than 50 feet width, the front yard setback shall be measured from the center line of the street and 25 feet shall be added to the required front yard setback. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirement.
- c. None, except as follows:
- (1) If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.
- d. As specified above, except as follows:

- (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
- (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.

667. Special Controls

- a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- b. All uses shall be subject to Site Plan Approval in accordance with Section 1020.
- c. Fences shall be required along the inside of screening and buffer areas adjoining residential uses to protect such areas.
- d. Automotive Services shall be subject to the provisions of Subsection 1056.
- e. Display or storage of materials in accordance with Subsection 373.
- f. Except for ILFs and ALFs, (which are included in Section 667), one additional off-street parking space per bedroom shall be required. The total number of dwelling units shall not exceed six (6) dwelling units on any site. If there will be more than two (2) dwelling units, then at least 30 percent of the total number of units shall be limited to one bedroom.
- g. Commercial sales and services uses may be allowed pursuant to the standards for approval for a Special Permit in accordance with Section 1000 and the following requirements of the Service Business zone:
 1. The property is served by public water and sewer;
 2. The property is at least three acres in size;
 3. The property is within 1000 feet of the Central Business District (CBD).

667.1. Special Controls and Design Standards for Small Lots in Existence on January 1, 2010.

Development and redevelopment of lots in existence on January 1, 2010, that do not comply with the minimum lot width, frontage or lot depth requirements set forth in Section 666 shall be permitted by Special Permit, and shall be subject to Section 1000 and the following additional special controls:

- a. The Commission may reduce the minimum setbacks, landscaping, screening and buffer areas required by Note b of Section 666 and Sections 900 to 909.2, where the Commission finds that the proposed screening and landscaping provide adequate screening from adjacent residential parcels.

- b. Solid fencing and/or dense evergreen vegetation shall be required along rear lot lines adjacent to or within 100 feet of residential zones.
- c. The Commission may reduce the minimum rear yard to not less than four feet, provided the Commission makes the following findings:
 - 1. Existing topographic features on or adjacent to the site minimize impacts on adjacent residential properties, and
 - 2. Fencing, landscaping and screening shall be sufficient to minimize impacts to adjacent residential properties.
- d. The Commission may allow Building Coverage up to 35 percent and Developed Site Area up to 85 percent where the property is located within 1,000 feet of the Central Business District (CBD), and the Commission finds that the proposed development shall include sufficient fencing, landscaping, screening, and site drainage to reduce impacts to abutting residential and commercial properties.
- e. Uses allowed in the Central Business District (CBD) may be allowed by Special Permit on property located within 1,000 feet of the CBD.
- f. Where the provisions of this Section 667.1 shall conflict with any other provisions of the Zoning Regulations, the provisions of this Section 667.1 shall govern.

668. Assisted Living Facility (ALF) and Independent Living Facility (ILF)

- a. An ALF, ILF, or combination thereof shall include rooms for use by the occupants such as common rooms, laundry, entertainment facilities, common dining area(s) with kitchen and supportive food preparation areas, administrative offices, a convenience store for the residents of the facility, and areas for periodic medical examination, limited treatment and therapy, or similar uses.
- b. The minimum lot area for an ALF, ILF or combination thereof shall be five (5) acres. The minimum side yard shall be 20 feet. The minimum front landscape depth shall be 30 feet. All additional requirements of Section 665 are applicable.
- c. The gross floor area of a private residential unit in an ALF shall not be less than 400 square feet and the average floor area of all ALF units shall not exceed 500 square feet. The gross floor area of a private residential unit in an ILF shall not be less than 600 square feet and the average floor area of all ILF units shall not exceed 700 square feet.

- d. Each ALF, ILF, or combination thereof shall be connected to public sanitary sewers and served by public water supply.
- e. Maximum gross floor area ratio shall be 0.40 of the total land area of the site.
- f. At least 300 square feet of usable open space shall be provided on the site for each private residential unit. The Planning and Zoning Commission may require that a conservation easement be conveyed for this required open space.
- g. To accommodate the parking needs of the residents, visitors, and staff providing services to the occupants, the following minimum off-street parking shall be provided: one space for each employee per maximum shift with a minimum of 20 spaces reserved for employees; plus 1.5 spaces for each ILF unit; plus 0.33 spaces for each ALF unit.
- h. Off-street parking design standards of Sections 226 and 900 shall be applicable.
- i. At least one off-street unloading facility shall be provided per Sections 909.1c and 909.2a-g.

SECTION 670. SERVICE BUSINESS EAST ZONE (SB-E)

671. Background and Purposes

This zone is located on the north and south sides of the Boston Post Road between Birch Road and the Norwalk municipal line and is intended to provide for certain types of business uses which serve a community need or convenience requiring external storage or activity or are automobile-oriented. It is the intention of these Regulations to protect and preserve this SB-E Zone for the continued provision of such services in a manner which will not be detrimental to the surrounding residential area. The retention and/or creation of dwelling units is permitted in an effort to encourage affordable residential units. The specific design standards incorporated into this zone are needed due to the unique location of this district which adjoins residential areas and due to existing and projected traffic conditions on this section of the Boston Post Road.

672. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Commercial sales and services generally requiring external storage or activity.
- b. Public and semi-public uses generally requiring external storage or activity.
- c. Dwelling units located on the second floor in buildings not utilized for automotive services.

673. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs as permitted in Section 920.
- b. Off-street parking and loading in accordance with Section 900.

674. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Protected Town Landmarks.
- b. Restaurants provided that a least 1,200 square feet of indoor space shall be devoted to customer tables and seating area.
- c. Automotive services as defined in Section 210. The sale of vehicles, which would require a dealer's license from the State of Connecticut, or an autobody repair shop shall not be permitted within 100 feet of an adjoining residential zone.
- d. Indoor recreation facilities.
- e. Home improvement contractors, home improvement suppliers and other similar service contractors.

675. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	None (See Note a)
2. Minimum Lot Width	100
3. Minimum Lot Frontage	100
4. Minimum Lot Depth	100
5. Minimum Front Yard	30 (See Note b)
6. Minimum Side Yard	10 (See Note c)
7. Minimum Rear Yard	25 (See Note d)
8. Maximum Height in Stories	2
9. Maximum Height in Feet	25
10. Maximum Building Coverage	20%
11. Minimum Front Landscaping Depth.	18 (See Note e)
12. Maximum Developed Site Area	80%

Notes:

- a. Requirements for yards and buffers control lot sizes.
- b. As stated above, except no parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet. See Subsection 372 for requirements where setback of existing buildings shall be greater or less than minimum requirements.
- c. Ten feet, except as follows:
 - (1) Except where access to parking spaces shall be provided through a side yard, in which case the yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, the side yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
- d. As specified above, except as follows:
 - (1) Where a rear yard abuts a Residential Zone, the rear yard requirement shall be at least equal to the rear yard requirement of the adjoining Residential Zone;
 - (2) Where the lot is a corner lot and its rear yard is not adjacent to land in any other zone, the rear yard requirement shall equal the side yard requirement.
- e. Where the commercial zone on a lot has a depth of 150 feet or less, the Commission may decrease the minimum front landscape depth to 10 feet.

676. Special Controls

- a. Landscaping, screening and buffer areas shall be provided in accordance with Section 940. Front landscape area shall incorporate street trees. Buffer area should be provided along residential streets in accordance with Section 940. Landscape buffer shall be maintained and enhanced along I-95.
- b. All uses shall be subject to Site Plan Approval in accordance with Section 1020. The following additional requirements shall apply:
 - (1) Elevation drawings for each side of the building.
 - (2) A color rendering of the proposed structure(s) drawn from a perspective representing a view from street level and illustrating at least two facades of the building.
 - (3) Presentation of an architectural style which shall be compatible with the adjoining residential area by incorporation of design features such as pitched roof, appropriate exterior materials, fenestration, and site lighting.
 - (4) These materials shall be reviewed by the Architectural Review Board, together with any other information the Board may require. The Planning and Zoning Commission will not take any action on an application prior to receiving the ARB's report.
- c. Automotive services shall be subject to the provisions of Subsection 1056. Fences shall be required along the inside of screening and buffer areas adjoining residential uses to protect such areas. Exterior loudspeakers are prohibited on parcels adjoining a residential zone.
- d. Display or storage of materials shall be in accordance with Subsection 373.
- e. Where residential units are provided, one additional off-street parking space per bedroom shall be required. The total number of dwelling units shall not exceed six (6) dwelling units on any site.
- f. Pedestrian sidewalks shall be required along the Boston Post Road.

SECTION 680. NOROTON HEIGHTS REDEVELOPMENT ZONE (NHR)

681. Background and Purposes

The Noroton Heights Redevelopment Zone is an overlay zone intended to maintain the existing retail foundation of the Noroton Heights commercial district while encouraging the development of business and professional offices and dwelling units, including affordable units, in recognition of the zone's proximity to mass transit and Interstate 95. Business and professional offices will also be permitted. These regulations are intended to encourage development that promotes safe pedestrian access to businesses by residents within the zone and from adjacent residential neighborhoods. At the sole discretion of the Commission, increased building height may be permitted to encourage the use of architectural design features such as peaked roofs and dormers to soften the appearance from adjacent residential properties. The intent is to strengthen the viability of retail business in the Noroton Heights commercial district, to offer a broader range of housing and office space with convenient access to transportation, to foster pedestrian activity as fully as is practicable, and to reduce reliance on individual motor vehicles to access the retail businesses.

All uses within this zone are Special Permit uses. It is imperative to properly manage and enhance stormwater management in this zone. No development or redevelopment will be permitted if it will result in stormwater impacts on adjacent properties or adjacent streets. Any development or redevelopment must address drainage, traffic and pedestrian safety issues in the area.

682. Permitted Principal Uses

The following uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

None.

683. Permitted Accessory Uses

The following accessory uses shall be permitted subject to approval of a Zoning Permit in accordance with Subsection 1102:

- a. Signs, as permitted in Section 920.
- b. Any building or use customarily incidental to a permitted use.
- c. Off-street parking and loading facilities in accordance with Section 900.

684. Principal Uses Requiring Special Permits

The following uses shall be permitted subject to approval of a Special Permit in accordance with Section 1000:

- a. Commercial sales and services.
- b. Business and professional offices.
- c. Public and semi-public uses.

- d. Protected Town Landmarks.
- e. Restaurants.
- f. The sale of prepared foods whether intended for consumption on or off the premises.
- g. Dwelling units.
- h. Indoor recreation facilities.
- i. Financial services on the first floor

685. Area and Bulk Requirements

The following requirements shall be deemed to be the minimum and maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	1/2 acre
2. Minimum Lot Width	150
3. Minimum Lot Frontage	150
4. Minimum Lot Depth	150
5. Minimum Front Yard	6 (See Note a)
6. Minimum Side Yard	None (See Note b)
7. Minimum Rear Yard	25
8. Maximum Height in Stories	2 (See Note c)
9. Maximum Height in Feet	30 (See Note c)
10. Maximum Building Coverage	35%
11. Minimum Front Landscape Depth.	6
12. Maximum Developed Site Area	80%
13. Maximum Density Dwelling Units/Gross Acre	12
14. Maximum Floor Area of each Dwelling Unit	1,200 sq. ft.

Notes:

- a. Minimum front yard of 6 feet required, except that within 100 feet of a Residential Zone, the front yard setback shall be at least one-half that required in that Residential Zone. No parking shall be permitted in front of any building unless the setback from the street line shall be at least 75 feet.

- b. None, except as follows:
 - (1) If a side yard shall be provided, it shall be at least four feet, except where access to parking space shall be provided through a side yard, in which case the side yard shall be at least 25 feet in width. Where access shall be provided jointly by two adjoining properties, the side yard may be reduced by 12 1/2 feet for each of the properties, provided the full 25 feet wide access shall be assured;
 - (2) Where a side yard abuts a Residential Zone, it shall equal the side yard requirement of said abutting Residential Zone.
- c. The maximum building height shall be two stories and 30 feet, except that the Commission may specifically permit height to be increased to a maximum of three stories and 42 feet, provided that:
 - (1) The Commission finds that the unique use and design of the building combined with its location in the zone, the topography of that location, and the development plan for the building, will result in a project that will be appropriate for the community, and will not be detrimental to the reasonable use and values of adjacent properties. Where the zone abuts a Residential Zone the maximum building height shall be 2 stories and 30 feet as calculated from the average finished grade of the elevation abutting the residential zone. One level of underground parking shall not constitute a story.
 - (2) If an applicant proposes a building that is higher than two stories or 30 feet, such applicant will be required to provide open space per the provisions outlined within Section 656e of the Zoning Regulations.

686. Special Controls

- a. At-grade parking areas may extend to within 10 feet of a rear lot line except where it abuts a Residential Zone, in which case the minimum rear yard requirement set forth in Section 685 shall apply.
- b. Landscaping, screening and buffer areas shall be provided in accordance with Section 940.
- c. All uses shall be subject to Site Plan Approval in accordance with Section 1020.
- d. Display or storage of materials shall be in accordance with Subsection 373.
- e. If more than 2 dwelling units are provided in any building, then at least 30 percent of the total number of such dwelling units shall be limited to one bedroom.
- f. Structured parking per Section 907.